

Resolution 121-2010
RESOLUTION AWARDING A CONTRACT FOR AIR CONDITIONING
REPAIR WITHIN THE MUNICIPAL BUILDING

WHEREAS, the Borough Council of the Borough of Washington has a need to repair the air conditioning within the Municipal Building and award a contract as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 2 months; and

WHEREAS, Binsky Service has submitted a proposal dated May 17, 2010 - indicating they will provide the above-referenced services at the rates listed in their fee schedule for an amount no to exceed \$25,000; and

WHEREAS, Binsky Service has completed and submitted a Business Entity Disclosure Certification which certifies that Binsky Service has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit the Binsky Service from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified to the Borough Clerk that funds are available in the following budget account:

C-04-08-005-000-003

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Binsky Service as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer, Suburban Consulting Engineers and Binsky Service.

BINSKY SERVICE
PROFESSIONAL HVAC SERVICES

May 17, 2010

Mr. Rich Phelan
Borough of Washington
100 Belvidere Avenue
Washington, NJ 07882

Re: Replace Coils
Quote No. E-688-10 Rev 1

Dear Mr. Phelan,

Thank you for the opportunity to present this proposal to perform the following scope of work.

- 1 Isolate, disconnect and drop both air handlers located in the boiler room
- 2 Remove and dispose of the chilled water coils in each air handler
- 3 Furnish and install new coils
- 4 Remove and replace the fan bearings
- 5 Vacuum the interior and remove any dirt or loose debris
- 6 Remove and replace the chilled water two way valve and actuator
- 7 Reinstall the air handlers
- 8 Check operation

Note: Because of the age and general poor condition of the piping coming from and going to the coil, any leaks that may occur in the piping located in the boiler room will be repaired on a time and material basis. Please budget a not to exceed amount of \$25,000 to cover any additional piping repairs or replacement that may become necessary in the boiler room.

Our price for the services as described above is \$16,675.00 (Sixteen Thousand Six Hundred Seventy-five Dollars). This price is valid for thirty (30) days and does not include any other work that is not specifically listed as part of this proposal. All other work shall be performed on a time and material basis unless another proposal is requested. We **do not include** NJ State Sales Tax and the identification, abatement, or disposal of asbestos. All work shall be performed during normal working hours (8:00 a.m. to 4:30 p.m.) unless other arrangements are made.

Option 1: This pricing is based on a 12-16 business day shipment of the coils from the factory. If you require shipment in 10 business days add \$500.00 to the quoted price

Option 1: This pricing is based on a 12-16 business day shipment of the coils from the factory. If you require shipment in 10 business days **ADD** \$500.00 (Five Hundred Dollars) to the quoted price



Borough of Washington
Re: Replace Coils
Quote No. E-688-10

Should this proposal meet with your approval, please sign and return one copy of this letter to our office. Retain the original for your files. We will consider this a binding contract.

Thank you for the opportunity to quote on this project. Please contact me with any questions.

Very truly yours,

BINSKY & SNYDER SERVICE LLC

Gary Ernst/dh

Gary Ernst
Project Manager

ACCEPTANCE OF PROPOSAL - The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to perform the work as specified.

Signature

Date

**BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
WASHINGTON BOROUGH**

Binsky & Snyder Service LLC

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that (Company Name) has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding January 1, 2006 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Borough of Washington as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

(See Attached)	
NONE	

Part II – Ownership Disclosure Certification

☒ I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- ☐ Partnership ☐ Corporation ☐ Sole Proprietorship ☐ Subchapter S Corporation
☐ Limited Partnership ☒ Limited Liability Corporation ☐ Limited Liability Partnership

Name of Stock or Shareholder	Home Address
SEE ATTACHED	

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: Binsky & Snyder Service LLC

Signed: [Signature] Title: President

Print Name: Michael R. Rapp, LEED A.P. Date: May 20, 2010

Subscribed and sworn before me this 20 day of
May, 2010.

My Commission expires:

[Signature]
(Affiant)
Michael R. Rapp, LEED A.P., President
(Print name & title of affiant) (Corporate Seal)

DENISE CONVERSANO-HORAN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 4/14/2013

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
WASHINGTON BOROUGH

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

"Local Unit Pay-To-Play Law" (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

19:44A-20.6 Certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:44A-20.7 Definitions relative to certain campaign contributions.

6. As used in sections 2 through 12 of this act:

"business entity" means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

"interest" means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

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**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

"The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)

**BINSKY & SNYDER SERVICE LLC  
OFFICERS / OWNERS**

| NAME                 | ADDRESS                                        | DOB     | OFFICE HELD         | % OWN |
|----------------------|------------------------------------------------|---------|---------------------|-------|
| Michael R. Rapp      | 6 Squires Lane<br>Lebanon 08833                | 8/16/57 | President           | 20%   |
| Robert B. Snyder Jr. | 1 Larson Lane<br>Warren, NJ 07059              | 4/14/66 | Vice President      | 20%   |
| Frank J. Sullivan    | 19 Gateshead Drive<br>Bridgewater, NJ 08807    | 8/11/50 | Treasurer/Secretary | 20%   |
| William J. McKean    | 6 Highview Court<br>Pittstown, NJ 08867        | 8/28/60 |                     | 20%   |
| Phillip Andreoli     | 1129 Highland Court<br>Stewartsville, NJ 08866 | 10/6/56 |                     | 20%   |



RICHARD D. PHELAN

BOROUGH MANAGER

MEMORANDUM

TO: Borough Council

FROM: Richard Phelan

DATE: May 20, 2010

SUBJECT: Determination of Value – Binsky Service (Air Conditioning repair in the Municipal Building)

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It has been determined that the value of the above referenced purchase will cause us to spend more that \$17,500 in aggregate with this vendor during the previous twelve (12) months.

Binsky Service  
281 Centennial Ave.  
Piscataway, NJ 08854

# CERTIFICATION OF FUNDS BY THE CHIEF FINANCIAL OFFICER

Pursuant to Procedure No. 251, Local Finance Board  
dated October 20, 1976, effective January 1, 1976

CONTRACT FOR: Air Conditioning Repair

RESOLUTION NUMBER: \_\_\_\_\_

BOROUGH COUNCIL MEETING DATE: June 1, 2010

This is to certify that adequate funds for the within  
referenced Contract are available in the 2010 Budget

☐ Budget Account

☒ Bond Ordinance

C-04-08-005-000-003

NOT TO EXCEED \$25,000  
Amount

N. Turchan  
Natasha Turchan, C.F.O.

5/25/10  
Date